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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,771	02/04/2004	John McBride	CON-004PA	5157
7590 12/23/2004				
Robertson & Mullinax, LLC P O Box 26029 Greenville, SC 29616			EXAMINER BUI, LUAN KIM	
			ART UNIT 3728	PAPER NUMBER
DATE MAILED: 12/23/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/771,771

Applicant(s)

MCBRIDE, JOHN

Examiner

Luan K Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu (2003/0217946) in view of McQueeney et al. (5,361,905; hereinafter McQueeney'905). Hsu discloses in the embodiment of Figures 3 and 4 a wiper sheet packaging system comprising a container/envelope (4) having a mouth opening (43), a first plurality of stacked, wiper sheets (2) defining a first column of wiper sheets and at least a second plurality of stacked, wiper sheets (3) defining a second column of wiper sheets. The first column and the second column of wiper sheets are disposed substantially transverse to the mouth opening. Hsu also discloses the other claimed limitations except for the container/envelope being formed of pliable material and the sheets being folded sheets with the folded edges of the first plurality of stacked, folded wiper sheets defines a folded lateral boundary of the first column and the folded edges of the second plurality of stacked, folded wiper sheets defines a folded lateral boundary of the second column and the folded lateral boundary of the first column being disposed in opposing relation to the folded lateral boundary of the second column. McQueeney'905 shows in the embodiment of Figure 4 a packaging system (20) comprising a containment envelope (22) of pliable material having an opening defines by a removable strip (82) with frangible lines (78, 80), a first plurality of stacked, folded sheets (94, 96) defining a first column of sheets and folded edges of the first plurality of stacked, folded sheets defines a folded lateral boundary of the first column and at

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least a second plurality of stacked, folded sheets (94, 96a) defining a second column of sheets and folded edges of the second plurality of stacked, folded sheets defines a folded lateral boundary of the second column. McQueeney'905 further shows the folded lateral boundary of the first column is disposed in opposing relation to the folded lateral boundary of the second column. It would have been obvious to one having ordinary skill in the art in view of McQueeney'905 to modify the packaging system of Hsu the container/envelope is formed of pliable material and the sheets are folded sheets with the folded edges of the first plurality of stacked, folded wiper sheets defines a folded lateral boundary of the first column and the folded edges of the second plurality of stacked, folded wiper sheets defines a folded lateral boundary of the second column and the folded lateral boundary of the first column is disposed in opposing relation to the folded lateral boundary of the second column to reduce the size of the packaging system and to provide more convenience for the user.

3. Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Nakamura et al. (6,026,953; hereinafter Nakamura'953). Hsu as modified further fails to show a displaceable cover element being disposed in sealing relation across the mouth opening and the cover element being adapted to be resealable across the mouth opening. Nakamura'953 shows a wiper sheet packaging system comprising a containment envelope (1) of pliable material for holding a plurality of stacked, folded wiper sheets and each sheet is presaturated with a cleaning agent and the container having a mouth opening (12) and a displaceable cover element (23) disposed in sealing relation across the mouth opening and the cover element is adapted to be resealable across the mouth opening.

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It would have been obvious to one having ordinary skill in the art in view of Nakamura'953 to modify the packaging system of Hsu as modified so it includes a displaceable cover element disposed in sealing relation across the mouth opening and the cover element is adapted to be resealable across the mouth opening for better protecting the sheets. As to claims 3-7, it would have been obvious to one having ordinary skill in the art in view of Nakamura'953 to modify the packaging system of Hsu so the wiper sheets comprise the wiper sheets are presaturated with a cleaning agent to allow the packaging system to package various types of wiper sheets.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is (571) 272-4552. If in receiving this Office Action, it is apparent to Applicant that certain documents are missing from the record for example copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Ms. Marilyn Watts at (571) 272-4398.

Any inquiry of a general nature or relating to the status of this application should be directed to the Customer Service whose telephone number is (703) 306-5648. Facsimile correspondence for this application should be sent to (703) 872-9306 for Formal papers and After Final communications.

lkb
December 19, 2004

A handwritten signature in black ink, appearing to read 'Luan K. Bui', with a horizontal line underneath the signature.

Luan K. Bui
Primary Examiner